



*United States Attorney
Southern District of New York*

FOR IMMEDIATE RELEASE
September 21, 2006

CONTACT: U.S. ATTORNEY'S OFFICE
HEATHER TASKER, LAUREN
MCDONOUGH
PUBLIC INFORMATION OFFICE
(212) 637-2600

**BROOKLYN MAN SENTENCED TO 5 YEARS IN FEDERAL PRISON FOR
USING THE INTERNET TO ATTEMPT TO ENTICE MINOR
GIRLS TO ENGAGE IN SEXUAL ACTIVITY**

MICHAEL J. GARCIA, the United States Attorney for the Southern District of New York, announced that FRANK GAGLIARDI, a/k/a "BrooklynFrank3," a/k/a "Scemenito," was sentenced today by United States District Judge SIDNEY H. STEIN to 5 years' imprisonment. The defendant was found guilty of the enticement of a minor to engage in sexual activity on May 16, 2006, following a five-day jury trial before Judge STEIN.

The evidence at trial established that GAGLIARDI, using the internet screen names "BrooklynFrank3" and "Scemenito," communicated over the internet with a special agent of the FBI acting in an undercover capacity and posing as a thirteen-year old girl ("Julie"), as well as with a private citizen working with the FBI as a confidential informant and also posing as a thirteen-year-old girl ("Lorie"). The evidence at trial established that, in August 2005, GAGLIARDI saw "Lorie's" internet screenname in an AOL chatroom called "I Love Older Men," and that he clicked on the screenname to view the profile associated with that screenname, which clearly stated that the screenname belonged to a 13-year-old girl.

The evidence at trial showed that GAGLIARDI then contacted "Lorie" via instant message, confirmed she was 13, and engaged in a brief chat session with her. GAGLIARDI contacted "Lorie" by instant-message again approximately six weeks later, and, in the course of that conversation, again confirmed that she was only 13, offered to pay her to engage in sexual activity with him, and tried other methods of convincing "Lorie" to meet him in person, including suggesting several public places where they could meet the first time, and repeatedly telling "Lorie" that she could trust him and shouldn't be afraid. GAGLIARDI initiated the next five instant message sessions with "Lorie," and the vast majority

of the many instant message and email communications that followed over the next several weeks.

In those chats and emails, introduced into evidence at trial, GAGLIARDI described in graphic detail the sexual activities in which he and "Lorie" could engage, and continued to pressure her to meet him in person. GAGLIARDI also repeatedly expressed his concern about "Lorie's" age and about the trouble he could be in if anyone found out about what they were doing. He asked "Lorie" if she could change her profile to remove reference to her age, and if she could "pass" for an older girl, all so that he could say he did not know her true age if they were ever caught by the authorities.

The proof at trial showed that when "Lorie" resisted GAGLIARDI's advances, in part by telling him that she was too afraid to meet him alone and that he should have contacted a friend of hers who was braver, GAGLIARDI suggested that perhaps "Lorie's" friend could come along with her to a meeting with him so that she would feel less nervous. "Lorie" gave GAGLIARDI her friend "Julie's" email address and told him that "Julie" was also just 13; in addition, Julie's online profile clearly stated her age as 13. GAGLIARDI then contacted "Julie," introducing himself as "Lorie's" friend. GAGLIARDI emailed with "Julie" about arranging a time and place for an in-person meeting and asked to see a picture of her. After receiving "Julie's" picture, GAGLIARDI initiated an instant-message session with "Julie" and, as he had with "Lorie," engaged in graphic sexual communication in which he discussed the sexual activities in which he and "julie" could engage.

The evidence at trial showed that GAGLIARDI relentlessly pressured the two girls to meet him in person and eventually arranged a date and time for this meeting. GAGLIARDI described his car to the girls and told them that he would be waiting at a particular location, sitting in the driver's seat. GAGLIARDI was arrested by FBI agents at the date and time he arranged with the girls, sitting in his car at the specified meeting place. GAGLIARDI told the agents after his arrest, among other things, that he was there to meet two thirteen-year-old girls that he'd been chatting with on the internet.

GAGLIARDI, 62, resided in Brooklyn, New York.

Mr. GARCIA praised the efforts of the Federal Bureau of Investigation's Crimes Against Children Squad.

Mr. GARCIA stated, "Predators who exploit children should not count on protection from the anonymity of the Internet. They cannot hide in cyberspace, and they should expect to face sentences like that imposed today. Prevention and prosecution of such heinous crimes, and protection of children, will continue to be of the highest priority for my Office, the FBI and the Department of Justice."

Assistant United States Attorneys MARGARET GARNETT and BRENDAN MCGUIRE are in charge of the prosecution.

###

06-144